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| 10/557,272 | 02/24/2006 | Yoshihisa Takayama | 3712174-832 | 8827 |
| 29175 K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690 | 7590 01/22/2010 | | <div>EXAMINER</div> <div>SHAH, TUSHAR S</div> | |
| | | | <div>ART UNIT</div> <div>2184</div> | <div>PAPER NUMBER</div> |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/557,272

Applicant(s)

TAKAYAMA ET AL.

Examiner

TUSHAR S. SHAH

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed on October 8th, 2009.

Status of Claims

Claims 7-17 are pending, of which claims 7, 8 and 11-13 are in independent form. Claims 7-9, 11-13 and 16 have been amended. Claim 17 is new.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gehrmann US Patent No. 7,216,231 B2 (hereinafter Gehrmann).

Referring to claim 7, Gehrmann discloses, a communication system having a plurality of communication apparatuses (Fig. 2a), each of the plurality of communication apparatuses comprising:

first communication means for executing a communication between each communication apparatus and an other communication apparatus by a first communication protocol (column 2, lines 62-65), wherein each communication apparatus can act as an initiator of a communication by a first communication protocol and a target of a communication by a first communication protocol (column 2, lines 58-62);

exchange means for exchanging communication information (first identification key, column 2, lines 62-63) necessary to a communication executed by a second communication protocol included in a communication protocol available by the other communication apparatus between the communication apparatus and the other communication apparatus by the communication executed by the first communication protocol (the exchange is performed using a first communication protocol, column 62-63);

switching means for switching the communication between each communication apparatus and the other communication apparatus from the communication executed by the first communication protocol to the communication executed by the second communication protocol (a Bluetooth connection is established once initial key and security information are exchanged via the first communication protocol, Fig. 3b, column 11, lines 50-55); and

second communication means (Bluetooth, Fig. 3b) for executing the communication by the second communication protocol between each communication apparatus and the other communication apparatus based on the communication information exchanged by the exchange means (column 4, lines 5-12).

Referring to claim 8, Gehrmann discloses, a communication apparatus for executing a communication between the communication apparatus and other communication apparatus (Fig. 2a), comprising:

first communication means for executing a communication between the communication apparatus and the other communication apparatus by a first communication protocol (column 2, lines 62-65);

acquisition means for acquiring identification information (first identification key, column 2, lines 62-63) of the other communication apparatus by the communication executed by the first communication protocol before acquiring protocol information of a communication protocol available by the other communication apparatus through the communication executed by the first communication protocol (the first identification key is exchanged to secure the connection before Bluetooth addresses exchange and pairing, Fig. 3b);

exchange means for exchanging communication information necessary to a communication executed using a second communication protocol (Bluetooth address information is exchanged prior to Bluetooth Pairing, Fig. 3b) included in the communication protocol available by the other communication apparatus between each

communication apparatus and the other communication apparatus by the communication executed using the first communication protocol(column 2, lines 62-65);

switching means for switching the communication between the communication apparatus and the other communication apparatus from the communication executed by the first communication protocol to the communication executed using the second communication protocol (a Bluetooth connection is established once initial key and security information are exchanged via the first communication protocol, Fig. 3b, column 11, lines 50-55); and

second communication means (Bluetooth, Fig. 3b) for executing the communication by the second communication protocol between the communication apparatus and the other communication apparatus based on the communication information exchanged by the exchange means (column 4, lines 5-12).

As per claim 9, Gehrmann discloses, the communication executed by the first and second communication protocols is a wireless communication (First is WAP utilizing WTLS and the second is Bluetooth, column 4, lines 33-40 and Fig. 3b), and, when the other communication apparatus is located in the vicinity of the communication apparatus, the first communication means executes the communication by the first communication protocol between the communication apparatus and the other communication apparatus (column 8, lines 47-55).

As per claim 10, Gehrmann discloses, in the first communication protocol, the communication is executed by specifying the other communication apparatus, located in the vicinity of the communication apparatus (column 8, lines 47-55).

Referring to claim 11, corresponding limitations as in claim 8 are recited.
Therefore the rejection of claim 8 applies to claim 11.

Referring to claim 12, corresponding limitations as in claim 8 are recited.
Therefore the rejection of claim 8 applies to claim 12.

Referring to claim 13, corresponding limitations as in claim 8 are recited.
Therefore the rejection of claim 8 applies to claim 13.

As per claim 15, Gehrmann discloses, the acquisition unit repeatedly executes polling for requesting identification information until a response is received (column 8, lines 47-51).

As per claim 16, Gehrmann discloses, a transaction ID and a transaction key are exchanged with the second communication apparatus for mutual authentication (Fig. 5b), through the communication using the first communication protocol, wherein mutual authentication occurs after acquiring the identification information and before

acquiring the setting information (the first identification key is exchanged to secure the connection before Bluetooth addresses exchange and pairing, Fig. 3b).

As per claim 17, the communication apparatus is a mobile apparatus and the second communication apparatus is a mobile apparatus (column 9, lines 15-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gehrmann as applied to claim 13 above, further in view of Nolan et al. US Publication No. 2004/0193402 A1 (hereinafter Nolan).

As per claim 14, it is noted that Gehrmann does not appear to explicitly disclose, the first communication protocol is NFCIP-1.

However, Nolan discloses, wherein the first communication protocol is NFCIP-1 (the wireless standard may be NFCIP-1).

Nolan and Gehrman are from the same field of endeavor; specifically they both deal with transmitting data from mobile units utilizing short range radio frequency communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize NFC as the communication for the shorter range radio link.

The suggestion/motivation for doing so would have been that near field communications are ideal for and widely used as part of the initialization of a Bluetooth pairing.

Response to Arguments

5. Applicant's arguments with respect to claims 7-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUSHAR S. SHAH whose telephone number is (571)270-1970. The examiner can normally be reached on Mon-Fri 7:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on 571-272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. S. S./
Examiner, Art Unit 2184

/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184